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WC 02-217

July 19, 2002

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Federal Communications Commission
Wireline Competition Bureau, Domestic Services
P.O. Box 358145
Pittsburgh, PA 15251-5145

Re: *Application to Transfer Control of Logix Communications Corporation to
Western Communications, Inc.*

To the Commission:

Pursuant to Section 214 of the Communications Act, 47 U.S.C. § 214, and Section 63.04 of the Commission's rules, 47 C.F.R. § 63.04, attached hereto please find an original and five copies of the above-referenced application. This application is subject to streamlined processing pursuant to Section 63.03(b)(2)(i) of the Commission's Rules.

An FCC Remittance Advice Form (FCC Form 159), together with the applicable filing fee of \$815, accompanies this filing.

Please contact this office should you have any questions concerning this filing.

Respectfully submitted,

WILKINSON BARKER KNAUER, LLP



By: Lawrence J. Movshin
Kathryn P. Wildrick

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

**In Re Joint Application of Western
Communications, Inc. and
Logix Communications Corporation
for Streamlined Authority
Under Section 214 of
the Communications Act for
Transfer of Control
of Logix Communications
Corporation**

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**File Nos. _____
and _____**

**JOINT APPLICATION
FOR TRANSFER OF CONTROL**

Western Communications, Inc., ("WCI" or the "Transferee") and Logix Communications Corporation ("Logix" or the "Transferor") hereby request FCC consent to transfer control of Section 214 authorizations to provide domestic and international switched telecommunications service currently held by Logix and for WCI to acquire certain Logix facilities pursuant to Section 214 of the Communications Act of 1934, as amended (the Act), 47 U.S.C. § 214, and Section 63 of the Commission's Rules, 47 C.F.R. § 63. Specifically, this Application is filed pursuant to Commission Rules 63.18(e)(3) and 63.04 as well as the streamlined procedures of Commission Rules 63.12 and 63.03(b)(2)(i).

I. INTRODUCTION AND DESCRIPTION OF THE TRANSACTION

Logix is an Oklahoma corporation that provides local exchange services, domestic and international long distance services, high-speed Internet access, and enhanced data services to more than 35,000 customers in Arkansas, Kansas, Missouri, Oklahoma, and Texas. Logix was founded in 1997 but its history goes back over 60 years to when Logix's affiliate, Dobson Telephone Company, started a local exchange company in 1936.

On February 28, 2002, Logix and its parent company, Logix Communications Enterprises, Inc., filed voluntary bankruptcy petitions under Chapter 11 of the United States

Bankruptcy Code in the U.S. Bankruptcy Court for the Southern District of Texas, Houston Division, to restructure their operations.¹

Western Communications, Inc. is a Texas corporation that was formed to purchase certain assets of Logix, including telecommunications assets and customer accounts, from the bankruptcy estate. This transfer of control application is being filed to implement the Asset Purchase Agreement between the parties.² Commission approval of the transfer of the Logix Section 214 authorizations and certain facilities will allow the Transferee to provide high-quality switched telecommunications services to the Transferor's customers utilizing the Transferor's existing facilities and services from other providers.

The proposed transaction will result in the Transferee being a non-dominant carrier, having less than 10 percent of the domestic interexchange market share. The Transferee will provide competitive domestic and international telephone exchange services in geographic areas served by dominant local exchange carriers that are not parties to the transaction. Moreover, under Section 63.10(a)(1), the Transferee is presumptively non-dominant on any international routes it may serve because it has no foreign carrier affiliations and is not itself a foreign carrier. Therefore, this application qualifies for the streamlined approval process provided for in Section 63.03 and Section 63.12 of the Commission's rules.

By granting this application, the Commission will serve the public interest, convenience and necessity by ensuring continuity of service to the Transferor's customers and promoting competition in the domestic and international interexchange services market. Competition will benefit U.S. consumers by increasing service options and lowering prices.

¹ By letter of May 16, 2002, Logix informed the Commission that it had been designated Logix Communications Corporation, Debtor in Possession.

² By separate "Agreement To Acquire Certain Local Business Telephone Customers" with Southwestern Bell Telephone, L.P., Logix intends to transfer all of its customers located in the States of Missouri, Arkansas and Kansas to that carrier. That transfer will be accomplished in accordance with the requirements of Section 64.1120(e) of the FCC's Rules.

II. SUPPORTING INFORMATION

In support of its request for authority to transfer the Logix Section 214 authorization to provide international switched voice services, and pursuant to Section 63.18 of the Commission's Rules, the Transferee furnishes the following information relevant to the application.

Information concerning the Transferor and the Transferee

(a). Name, Address, and Telephone Numbers of the Parties

The Transferor is Logix Communications Corporation. The Transferor's telephone number is (405) 516-8155. The Transferor's business headquarters are located at the following address:

Logix Communications Corporation
14101 Wireless Way
Oklahoma City, Oklahoma 73134

The Transferee is Western Communications, Inc. The Transferee will conduct business under an assumed name, Logix Communications. The Transferee's telephone number is: (713) 850-0990. The Transferee's business headquarters are located at the following address:

Western Communications, Inc.
1330 Post Oak Boulevard, Suite 301
Houston, Texas 77056

(b). Place of Corporate Organization

The Transferor is an Oklahoma Corporation. The Transferee is a Texas Corporation formed on May 6, 2002, and issued Charter No. 800081422.

(c). Contact Information

All correspondence concerning this Application should be addressed to the following individuals:

Transferor's attorneys:

Joseph Epstein
Connie S. Stamets
Winstead Sechrest & Minick, P.C.
1201 Elm Street
Dallas, Texas 75270
Phone: (214) 745-5400
FAX: (214) 745-5390

Transferor:

Craig T. Sheetz
President and Chief Executive Officer
Logix Communications Corporation
14101 Wireless Way
Oklahoma City, Oklahoma 73134
Phone: (405) 516-8400
FAX: (405) 516-8292

Transferee's attorneys:

Susan C. Gentz
Bradford W. Bayliff
Casey & Gentz, L.L.P.
919 Congress Ave., Suite 1060
Austin, Texas 78701
Phone: (512) 480-9900
FAX: (512) 480-9200

Transferee:

Ronald W. Henriksen
President
Western Communications, Inc.
1330 Post Oak Boulevard, Suite 301
Houston, Texas 77056
Phone: (713) 850-0990
FAX: (713) 418-2198

(d). Previous 214 Authority

The Transferor has authority to provide resold domestic interstate and global international switched services under Section 214 of the Act. See File Nos. ITC-97-209 and ITC-98-346-FC. The Transferee has not previously received authority under Section 214 of the Communications Act. The Transferee requests approval of the transfer of control of the

Transferor's global resale international authority under Section 63.18(c)(3) of the Commission's rules.

Information Concerning the Transferee (pursuant to Section 63.18(e)(3))

(h). Equity Ownership of WCI

The sole shareholder of WCI is:

<u>Name</u>	<u>Percentage</u>	<u>Citizenship</u>	<u>Principal Business</u>
Ronald W. Henriksen Suite 301 1330 Post Oak Boulevard Houston, Texas 77056	100.00	United States	Telecommunications Services

(i). Foreign Carrier Certification

The Transferee hereby certifies that it is not, and has no affiliation with, a foreign carrier.

No director, shareholder, or officer of the Transferee is an agent of a foreign carrier.

(j). Not Applicable.

(k). Not Applicable.

(l). Not Applicable.

(m). Not Applicable.

(n). No Special Concessions

The Transferee hereby certifies that it has not agreed to accept special concessions directly or indirectly from any foreign carrier or administration with respect to traffic or revenue flows between the U.S. and any foreign country that the Transferee may serve under the authority granted under this part and will not enter into such agreements in the future.

(o). Certification Pursuant to Rules 1.2001 Through 1.2003

The Transferee hereby certifies that no party to the application is subject to denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act.

(p). Streamlined Processing.

The Transferee is presumptively non-dominant under Section 63.10(a)(1) of the Commission's Rules and, therefore, qualifies for streamlined processing pursuant to Section 63.12 of the Commission's Rules.

Other Applications Pending or to be Filed with the Commission Related to the Same Transaction

This application also requests transfer of the Transferor's domestic Section 214 authority pursuant to the terms and conditions of Sections 63.04(b)(2)(i) of the Commission's rules. The transaction also will transfer certain telecommunications switching facilities such as switches from Logix to WCI. The Transferee will comply with the requirements of 47 C.F.R. 64.1120. The Transferee will file applications at the Oklahoma Corporation Commission and the Public Utility Commission of Texas for intrastate local and interexchange authorizations to provide service to customers.

Public Interest Statement

By granting this application, the Commission will serve the public interest, convenience and necessity by ensuring continuity of service to the Transferor's customers and promoting competition in the domestic and international interexchange services market. The Transferee and Transferor therefore respectfully request that the Commission approve the transfer of the Logix domestic and global resale international Section 214 authorizations to the Transferee

Respectfully submitted,

LOGIX COMMUNICATIONS CORPORATION
14101 Wireless Way
Oklahoma City, Oklahoma 73134
Phone: (405) 516-8400
FAX: (405) 516-8292

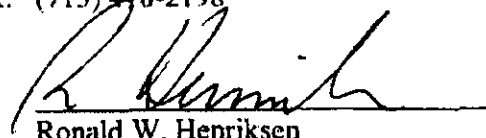
By:


Craig T. Sheets
President and Chief Executive Officer
Logix Communications Corporation

Respectfully submitted,

WESTERN COMMUNICATIONS, INC
1330 Post Oak Boulevard, Suite 301
Houston, Texas 77056
Phone: (713) 850-0990
FAX: (713) 418-2198

By:

A handwritten signature in dark ink, appearing to read "R. Henriksen", is written over a horizontal line.

Ronald W. Henriksen
President
Western Communications, Inc.

ATTACHMENT A**APPLICATION FOR TRANSFER
OF SECTION 214 DOMESTIC AUTHORITY****1. Description of the Transaction**

A detailed description of the transaction is set forth in Section I of the primary global resale international Section 214 application for approval of transfer of control.

2. Geographic Areas and Services.

Logix is a competitive local exchange carrier (CLEC) authorized to offer telecommunications services in Arkansas, Kansas, Missouri, Oklahoma, and Texas. Logix offers facilities-based local exchange and exchange access services, domestic and international long distance telephone services, and additional services such as high-speed Internet and enhanced data services to more than 35,000 customers in those states. WCI is a newly formed Texas corporation that is applying to obtain authorization to provide services in Oklahoma and Texas.

3. Expedited Treatment and Qualification for Streamlined Processing of Application

The proposed transaction will result in the Transferee being a non-dominant carrier, having less than 10 percent of the domestic interexchange market share and the Transferee will provide competitive domestic and international telephone exchange services in geographic areas served by dominant local exchange carriers that are not parties to the transaction. Therefore, this application qualifies for the streamlined approval process provided for in Section 63.03 of the Commission's rules. Granting expedited treatment of this application will further serve the public interest by allowing the Transferee to implement a smooth transition and continue the operations of the Transferor.

4. Other Applications Pending or to be Filed with the Commission Related to the Same Transaction

This attachment accompanies a primary application that requests authorization to transfer the Logix global resale international Section 214 authority to WCI. The Transferee will comply with the requirements of 47 C.F.R. 64.1120. The Transferee expects that Logix will file an application to discontinue providing service to customers in Arkansas, Kansas, and Missouri. The Transferee will file applications at the Oklahoma Corporation Commission and the Public Utility Commission of Texas for intrastate local and interexchange authorization to provide service to customers.

5. Special Considerations Because of Imminent Business Failure

There is no imminent business failure at this time because Logix is operating and providing service to customers under protection of the United States Bankruptcy Code. The need to complete the transaction and provision the Transferee's service to customers, however, does add a sense of urgency to obtain regulatory approvals and to close the transaction.

6. Identification of Separately Filed Waiver Requests

Neither the Transferor nor the Transferee will file any waiver requests.

7. Public Interest Statement

By granting this application, the Commission will serve the public interest, convenience and necessity by ensuring continuity of service to the Transferor's customers and promoting competition in the domestic and international interexchange services market.